

ROBERT YAMACHIKA, OSB 065560
Senior Deputy City Attorney
Rob.Yamachika@portlandoregon.gov
J. SCOTT MOEDE, OSB 934816
Chief Deputy City Attorney
Scott.Moede@portlandoregon.gov
Portland City Attorney's Office
1221 SW 4th Avenue, Room 430
Portland, OR 97204
Telephone: (503) 823-4047
Facsimile: (503) 823-3089
*Of Attorneys for Defendants City of Portland,
Roger Walsh and Bradley Clark*

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION**

DON PERKINS,

3:18-cv-896 ____

PLAINTIFF,

REMOVAL NOTICE

v.

**CITY OF PORTLAND, OFC. ROGER
WALSH, OFC. BRADLEY CLARK,**

DEFENDANTS.

**TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE DISTRICT
OF OREGON:**

Removing party, City of Portland, by its undersigned attorney, respectfully shows this
Court:

1. The removing party, City of Portland, is the defendant in the above-entitled action.
2. On March 22, 2018, the above-entitled action was commenced against the City of Portland in the Circuit Court of the State of Oregon for the County of Multnomah and is now pending in such court, with the court number 18CV10934.

3. On April 23, 2018, a copy of the Summons and Complaint in the above-entitled state action was served upon the Portland City Attorney at the Offices of the City Attorney in Portland, Oregon. On April 26, 2018, a copy of the Summons and Complaint in the above-entitled state action was served upon defendant Roger Walsh at 111 SW 2nd Ave, Portland OR 97204.

4. On May 16, 2018, an Acceptance of Service on behalf of defendant Bradley Clark was sent to plaintiff counsel.

5. Each of the named defendants in this case agrees this action should be removed from state to federal court.

6. No further proceedings have been had in this action in state court.

7. This notice of removal is filed within 30 days after service of process.

8. This Court has original jurisdiction of the above-entitled action pursuant to 28 U.S.C. §§ 1331 and 1343 because it is a suit for damages on account of an alleged violation of plaintiff's rights, privileges and immunities secured by the Constitution and laws of the United States. This action is removable under 28 U.S.C. § 1441(a) and (b).

9. A copy of the Multnomah County Circuit Court File, including copies of the Complaint and Summons served on defendants City of Portland and Roger Walsh, and a copy of an Acceptance of Service on behalf of defendant Bradley Clark that was sent to plaintiff's counsel on May 16, 2018 are attached to this Notice.

10. On the date set forth below, a copy of this notice was served on plaintiff's attorney. On the same date, a copy of this notice was filed with the clerk of the Multnomah County Circuit Court in which the action was commenced.

////

////

////

////

WHEREFORE, the City of Portland requests that the above-entitled action be removed from the Circuit Court of the State of Oregon for the County of Multnomah to the United States District Court for the District of Oregon.

Dated: May 22, 2018

/s/ Robert Yamachika

Robert Yamachika, OSB #065560

Senior Deputy City Attorney

Telephone: (503) 823-4047

*Of Attorneys for Defendants City of Portland,
Roger Walsh and Bradley Clark*

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing REMOVAL NOTICE on:

Thomas C. Patton
8 N. State Street, Suite 301
Lake Oswego, OR 97034
Of Attorneys for Plaintiff Don Perkins

on May 22, 2018, by causing a full, true and correct copy thereof, addressed to the last-known address (or fax number) of said attorney, to be sent by the following method(s):

- ☒ by **mail** in a sealed envelope, with postage paid, and deposited with the U.S. Postal Service in Portland, Oregon.
- ☐ by **hand delivery**.
- ☐ by **facsimile transmission**.
- ☒ by **email**.

/s/ Robert Yamachika

ROBERT YAMACHIKA, OSB #065560
Senior Deputy City Attorney
Email: Rob.Yamachika@portlandoregon.gov
Fax: (503) 823-3089
Of Attorneys for Defendants City of Portland,
Roger Walsh and Bradley Clark